

**REMARKS**

The Office Action dated September 2, 2004 has been carefully considered. Claims 5-7, 9, 10 and 18 have been amended. Claims 2-4 and 21 have been cancelled. Claims 4, 5-11 and 18-20 are in this application.

Claim 18 was rejected under 35 U.S.C. § 112 as indefinite. Claim 18 has been amended to obviate the Examiner's rejection.

The previously presented claim 18 was rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,299,452 to Wasowicz et al. Applicant submits that the teachings of this reference do not disclose or suggest each of the limitations of the present claims.

Wasowicz et al. disclose a World Wide Web based diagnostic system for determining a child's phonological awareness and processing skills and reading skills. The diagnostic system may include a graphical game in which the child interacts with a web page to play the game. Alternatively, the diagnostic system can display images on a display. The user may use a user input device such as the keyboard, mouse or microphone with speech recognition hardware to respond to the question. Col. 10, lns. 14-17.

In contrast to the invention defined by the present claims, Wasowicz et al. do not teach or suggest a system for providing a prescreening assessment for identifying learning disabilities by providing testing of visual motor skills by writing answers to questions or preparing drawings. To the contrary, Wasowicz et al. teach interaction of the individual using a keyboard or a mouse which Applicant submits does not test visual motor skills. Applicants note that the testing of visual motor skills relates to coordination of visual perception and fingerbased movements achieved by movements associated with writing or drawing, as described in the Declaration executed by the inventor, Diane Dietrich, attached hereto. The definition of tests for visual motor skills are known in the art as described in Beery-Buktenica Developmental Test for Visual-Motor Integration (VMI), 4<sup>th</sup> Ed., attached on the enclosed PTO Form 1449.

Further, one embodiment of Wasowicz et al. teaches displaying letters or numbers on the display. Applicant points out that Wasowicz et al. use of recognition of letters or numbers has the disadvantage that the individual might not be familiar with the letters or numbers and unable to distinguish the correct letters and numbers. In addition, the use of a mouse or keyboard does

not test if the individual is able to interpret their perception of the shown item with their hand coordination. In contrast, the present invention presents objects to the individual and individual provides responses of handwriting and drawings, thereby providing object testing of the individual without reliance on knowledge of letters and providing testing of visual motor skills by interpreting the integration of coordination of hand movements with a perceived object.

With regard to claim 19, Wasowicz et al. do not teach or suggest means for recording auditory responses of one or more tests selected from auditory discrimination and auditory memory and communicating the auditory responses by retrieving the auditory responses, as defined by the present claims. In the present invention, auditory responses are recorded and later retrieved at a diagnostic station. Rather, Wasowicz et al. teach that the user may speak or answer into a microphone and have the responses determined by speech recognition hardware. In contrast, in the present invention, auditory responses of the individual to be presented are recorded and later retrieved at a diagnostic station. Accordingly, an educational specialist (learning disability teacher or school psychologist) at the diagnostic station can interpret the recorded auditory response to determine if the individual is able to discriminate between sounds. Applicant has found that the medical specialist can benefit at the diagnostic station by hearing recorded auditory responses of the individual which advantage is not recognized in Wasowicz et al. In addition, in the present invention, auditory discrimination and auditory memory tests are performed by the individual hearing a spoken word or phrase. In contrast, Wasowicz et al. identifies sounds of written words but there is no teaching or suggestion of auditory discrimination for what an individual hears. Thus, the invention defined by the present claims is not obvious in view of Wasowicz et al.

Claims 5-7 were rejected under 35 USC §103 as obvious in view of Wasowicz et al. in combination with U.S. Patent No. 6,075,968 to Morris et al. Applicant submits that the teachings of these references do not disclose or suggest the invention defined by the present claims.

Morris et al. describe a system and method for educating learning disabled students. A work station converts information of teachers or students between paper written information to

character recognized information. A student set up exchanges the computer character recognized information and presents the information audibly and visually.


In contrast to the invention defined by the present claims, Morris et al. do not teach or suggest a system for providing a prescreening assessment for identifying possible learning disabilities in which a visual assessment component provides testing of visual motor skills for evaluating learning disabilities in visual components and an auditory assessment component provides testing of auditory skills for evaluating learning disabilities in auditory components. To the contrary, Morris et al. teach a system for educating learning disabled students. Further, Morris et al. do not teach or suggest providing testing of visual motor skills by writing answers to questions or preparing drawings. Moreover, Morris et al. do not teach or suggest a system for providing a prescreening assessment learning disabilities. Accordingly, Morris et al. do not cure the deficiencies of Wasowicz et al. noted above.

Accordingly, neither Wasowicz et al. alone or in combination with Morris et al. teach or suggest the invention defined by the present claims since neither reference teaches a learning system for providing a prescreening assessment for identifying possible learning disabilities which remotely receives a visual assessment of visual motor skills providing testing of visual motor skills by writing answers to questions or preparing drawings and an audio assessment of audio skills providing testing of auditory discrimination or auditory memory in order to prepare an assessment of learning disabilities. Thus, the invention defined by the present claims is not obvious in view of Wasowicz et al. and Morris et al.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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Diane Dunn McKay  
Reg. No. 34,586  
Attorney for Applicant

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.  
100 Thanet Circle, Suite 306  
Princeton, NJ 08540  
Tel: 609 924 8555  
Fax: 609 924 3036